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CLIENT/MATTER NO.: 26965-3138

DATE & TIME: Tuesday, January 12, 2010 03:07:46 PM

TO THE FOLLOWING:

NAME: Examiner Paul R. Fisher - GAU 3689

COMPANY: USPTO

FACSIMILE NO.: 1-571-270-6097

COMPANY NO.: USPTO

FROM: Steven H. Noll

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Including cover sheet, total number of pages = 05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AGENDA FOR INTERVIEW

APPLICANT: Matthias Niethammer GROUP ART UNIT: 3689
SERIAL NO.: 10/804,683 EXAMINER: Paul R. Fisher
FILED: March 19, 2004 CONFIRMATION NO.: 8170
TITLE: METHOD AND APPARATUS FOR REMOTE SERVICING OF
AN EXTERNAL COMPONENT OF AN INSTALLED MEDICAL
SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

In the telephone interview currently scheduled to take place on January 14, 2010 at 10:00 a.m. E.S.T., the undersigned representative of the Applicant proposes to discuss the following issues.

With regard to the rejections under Section 112, first and second paragraph, Applicant proposes to delete the term "immobilely mounted" to refer to the medical imaging scanner and to discuss with the Examiner an appropriate substitute term or phrase that is supported in the original specification. The purpose of including the phrase "immobilely mounted" in the previous Amendment was to distinguish the claimed subject matter from a device of the type disclosed in the Gregerson et al patent, which is commonly referred to as a "mobile" or "portable" x-ray apparatus. Since the medical imaging scanner is stated to be among the plurality of permanently installed components, it would be redundant to also refer to the medical imaging scanner as a "permanently installed medical imaging scanner." Nevertheless if it will assist in distinguishing the claims over the teachings of the prior

art of record, Applicant proposes to describe the medical imaging scanner as being affixed or mounted in an examination room. Applicant would not be adverse to using some other equivalent phrase proposed by the Examiner in the interview.

With regard to the statements of the Examiner in the "Response To Arguments" section of the September 16, 2009 Office Action, stating that Applicant provided no proof of the statement that those of ordinary skill in the field of medical imaging consider a gantry of the type disclosed in the Gregerson et al reference to be the core of a permanently installed device, Applicant cites paragraph [0030] which states that the x-ray CT system described therein is comprised of a gantry apparatus that is *integrally attached* with an x-ray detecting mechanism for emitting x-rays onto a subject and detecting x-rays passing through the subject. Additionally, in paragraph [0033] of Shiraishi, is stated that an image producing program supplies *the gantry apparatus* with several kinds of instructions. Applicant submits these statements in the Shiraishi reference support Applicant's position that the gantry disclosed in that reference, and thus also the gantry disclosed in the Gregerson et al reference, is not a component that is separate from the other components of the overall apparatus. Therefore, a person of ordinary skill in the field of medical imaging would not regard the respective gantries disposed in each of those references as an external device that is separate from the permanently installed components of the installed medical imaging apparatus, as stated in Independent claims 1, 8, 11 and 12 of the present application.

The disclosure of the Shiraishi reference, moreover, merely relates to remote servicing of the operation console, as described in paragraphs [0043] and [0045] of the Shiraishi reference. There is not remote servicing of the gantry apparatus, i.e.,

there is no communication between the gantry apparatus and a remote location for remote servicing, disclosed or suggested in the Shiraishi reference.

Moreover, if the Examiner's definition of the term "gantry" is adopted, as meaning a *frame* serving as a *mechanical support*, there would be no reason to undertake "remote servicing" of such a purely mechanical component.

Moreover, if this definition proposed by the Examiner is adopted, then a separate argument in support of the patentability of claim 2 exists, wherein the external device is claimed to be a power contrast agent injector. Given the Examiner's aforementioned definition of "gantry," in order to substantiate an obviousness rejection of claim 2, the Examiner would have to provide evidentiary support for the position that it would have been obvious to replace the mechanical component of a gantry with a power contrast agent injector as claimed in claim 2. Applicant submits a person of ordinary skill in the field of medical imaging would have no reason whatsoever to equate those two completely different types of components.

Consistent with this discussion, Applicant would not object to amending the limitation in the independent claims that states that the external device is "separate from" said permanently installed components, to instead state that the external device is "mechanically and electrically non-permanently connected to" said permanently installed components, and to further state that the external device is

configured *only* for temporary connection to at least one of said permanently installed components. Applicant submits these changes would clearly preclude the gantry in either Gregerson et al or Shiraishi from being interpreted as the claimed "external device," regardless of the definition that is given to the term "gantry."

Submitted by,

Steven H. Noll

(Reg. 28,982)

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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being telefaxed to Examiner Paul R. Fisher at (571) 270-6097 in the United States Patent and Trademark Office, Alexandria, Virginia 22313-1450 on January 12, 2010.

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